

103^D CONGRESS
2^D SESSION

H. R. 4400

To amend title 39, United States Code, to prevent the use of paid confidential informants by the United States Postal Service in certain narcotics investigations; to require that the appointment of the Inspector General of the United States Postal Service be made by the President, with the advice and consent of the Senate; and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 12, 1994

Mr. CLAY (for himself, Mr. STOKES, Miss COLLINS of Michigan, and Mrs. BYRNE) introduced the following bill; which was referred jointly to the Committees on Post Office and Civil Service and Government Operations

A BILL

To amend title 39, United States Code, to prevent the use of paid confidential informants by the United States Postal Service in certain narcotics investigations; to require that the appointment of the Inspector General of the United States Postal Service be made by the President, with the advice and consent of the Senate; and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Postal Inspection Serv-
5 ice and Inspector General Act”.

1 **SEC. 2. RESTRICTION ON THE USE OF PAID CONFIDENTIAL**
2 **INFORMANTS BY THE POSTAL SERVICE;**
3 **CHANGE IN THE METHOD FOR APPOINTING**
4 **CERTAIN POSTAL OFFICERS.**

5 (a) CONFIDENTIAL INFORMANTS.—

6 (1) RESTRICTION.—Section 404 of title 39,
7 United States Code, is amended by adding at the
8 end the following:

9 “(c)(1) The Postal Service may not retain the serv-
10 ices of a paid confidential informant for purposes of any
11 investigation concerning the possible violation of any law
12 relating to controlled substances, unless the unlawful use
13 of the mails is involved.

14 “(2) The Postal Service shall render a semiannual re-
15 port to the Congress concerning any investigation—

16 “(A) in which the Postal Service retains the
17 services of a paid confidential informant; and

18 “(B) which results in the arrest of 1 or more
19 individuals for violating any law relating to con-
20 trolled substances.

21 “(3) For the purpose of this subsection—

22 “(A) the term ‘controlled substance’ has the
23 meaning given such term by section 102(6) of the
24 Controlled Drug Abuse Prevention and Control Act
25 of 1970; and

1 “(B) a confidential informant shall be consid-
2 ered to be ‘paid’ if such informant receives, or is to
3 receive, a monetary or nonmonetary benefit (includ-
4 ing any forbearance from a civil or criminal action)
5 for the services involved.”.

6 (2) APPLICABILITY.—The amendment made by
7 paragraph (1) shall apply with respect to any inves-
8 tigation commencing on or after the date of the en-
9 actment of this Act.

10 (b) OFFICERS.—

11 (1) IN GENERAL.—Section 204 of title 39,
12 United States Code, is amended—

13 (A) by amending the section heading to
14 read as follows:

15 **“§ 204. Assistant Postmasters General; General Coun-
16 sel; Judicial Officer; Chief Postal Inspec-
17 tor”;**

18 (B) in the first sentence by striking “and
19 a Judicial Officer.” and inserting “a Judicial
20 Officer, and a Chief Postal Inspector.”;

21 (C) in the second sentence by striking
22 “and the Judicial Officer” and inserting “the
23 Judicial Officer, and the Chief Postal Inspec-
24 tor”; and

1 (D) by striking “Postmaster General” each
2 place it appears and inserting “Board”.

3 (2) CONFORMING AMENDMENT.—The table of
4 sections for chapter 2 of title 39, United States
5 Code, is amended by striking the item relating to
6 section 204 and inserting the following:

“204. Assistant Postmasters General; General Counsel; Judicial Officer; Chief
Postal Inspector.”.

7 (3) SAVINGS PROVISION.—The appointment of
8 the individual serving as the General Counsel, Judi-
9 cial Officer, or Chief Postal Inspector of the United
10 States Postal Service on the date of the enactment
11 of this Act, or of an individual serving as an Assist-
12 ant Postmaster General on such date, shall, if such
13 appointment was made in accordance with then ap-
14 plicable provisions of law, be considered to have been
15 made under the second sentence of section 204 of
16 title 39, United States Code, as amended by this
17 subsection, except that this paragraph shall not
18 apply with respect to any interim appointment.

19 **SEC. 3. INSPECTOR GENERAL OF THE UNITED STATES**
20 **POSTAL SERVICE.**

21 (a) DEFINITIONS.—Section 11 of the Inspector Gen-
22 eral Act of 1978 (5 U.S.C. App.) is amended—

23 (1) in paragraph (1) by inserting “the Post-
24 master General;” after “the Attorney General;” and

1 (2) in paragraph (2) by inserting “the United
2 States Postal Service,” after “Treasury;”.

3 (b) TRANSFER OF FUNCTIONS.—Section 9(a) of the
4 Inspector General Act of 1978, as amended by section
5 203(g)(3)(A) of the National and Community Service
6 Trust Act of 1993 (Public Law 103-82; 107 Stat. 890),
7 is amended—

8 (1) in paragraph (1)—

9 (A) in subparagraph (U) by striking “and”
10 after the semicolon; and

11 (B) by adding at the end the following:

12 “(W) of the United States Postal Service,
13 that portion of the Postal Inspection Service
14 that is engaged in internal audit and program
15 review activities; and”; and

16 (2) in paragraph (2) by inserting “(or, in the
17 case of the United States Postal Service, the Post-
18 master General, in consultation with the Board of
19 Governors)” after “head of the establishment in-
20 volved”.

21 (c) SPECIAL PROVISIONS.—The Inspector General
22 Act of 1978 is amended—

23 (1) by redesignating the first section designated
24 as section 8G as section 8H;

1 (2) by redesignating the second section des-
2 ignated as section 8G as section 8I; and

3 (3) by inserting after section 8F the following:

4 “SPECIAL PROVISIONS CONCERNING THE UNITED STATES
5 POSTAL SERVICE

6 “SEC. 8G. In carrying out the duties and responsibil-
7 ities specified in this Act, the Inspector General of the
8 United States Postal Service shall have oversight respon-
9 sibility for all activities of the Postal Inspection Service,
10 including any internal investigation performed thereby.
11 The Chief Postal Inspector shall promptly report the sig-
12 nificant activities being carried out by the Postal Inspec-
13 tion Service to such Inspector General.”.

14 (d) TECHNICAL AND CONFORMING AMENDMENTS.—

15 (1) RELATING TO THE INSPECTOR GENERAL
16 ACT OF 1978.—Section 8H of the Inspector General
17 Act of 1978 (as so redesignated by subsection
18 (c)(1)) is amended—

19 (A) in subsection (a)(2) by striking “Tennessee Valley Authority,” and all that follows
20 through the semicolon and inserting “Tennessee
21 Valley Authority, and the United States Inter-
22 national Trade Commission;”; and

23 (B)(i) by striking subsection (f), and redesignating subsections (g) and (h) as subsections
24 (f) and (g), respectively;
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1 (ii) in paragraphs (3) and (4) of subsection
2 (a) by striking “(h)(1)” and inserting “(g)(1)”;
3 and

4 (iii) in subsection (c) by striking “Except
5 as provided under subsection (f) of this section,
6 the” and inserting “The”.

7 (2) RELATING TO TITLE 39, UNITED STATES
8 CODE.—Section 410(b) of title 39, United States
9 Code, is amended—

10 (A) by striking “and” at the end of para-
11 graph (9); and

12 (B) by amending paragraph (10) to read
13 as follows:

14 “(10) the Inspector General Act of 1978; and”.

15 (e) EFFECTIVE DATE; INTERIM SERVICE.—

16 (1) EFFECTIVE DATE.—This section and the
17 amendments made by this section shall take effect
18 upon the expiration of the 3-month period beginning
19 on the date of the enactment of this Act.

20 (2) INTERIM SERVICE.—The individual serving
21 as Inspector General of the United States Postal
22 Service on the day before this section takes effect
23 may continue to serve in that capacity until—

24 (A) a successor has taken office, or

1 (B) such individual ceases to be the Chief
2 Postal Inspector of the United States Postal
3 Service.

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